

### **REMARKS/ARGUMENTS**

Claims 1-20 were pending in the application. Claim 1 is amended to incorporate the subject matter of claims 10 and 15. Claim 5 is amended for clarity. Claim 7 is amended to add a period at the end of the sentence. Claims 10 and 15 are cancelled without prejudice or disclaimer. Claims 11 and 16 are amended to depend from claim 1. Claim 20 is amended for clarity. No new matter has been added by way of the amendments. Thus, Claims 1-9, 11-14, and 16-20 are now pending for reconsideration. In light of the foregoing amendments and the following remarks, Applicant believes that the present application is in condition for allowance, which prompt and favorable action is respectfully requested.

#### **Examiner Interview**

Applicant thanks the Examiner for the courtesy of contacting the undersigned and conducting a telephone interview on March 9, 2010 during which alternative Examiner amendments were discussed. During the telephone interview it was agreed that Applicant would submit a supplemental amendment to clarify claim language instead of addressing the Examiner's issues via an Examiner's Amendment. This Supplemental Amendment is submitted in response.

As agreed in the telephone interview of March 9, 2010, the foregoing claim amendments are shown in this Supplemental Amendment with underlines and line outs based upon the claims as they were pending at the time of the Final Office Action.

#### **Summary of the Office Action**

In the Office Action, claim 16 was objected to as being informal. Claims 1 and 3-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,122,541 to Cosomon et al. ("Cosomon") in view of U.S. Patent No. 6,314,310 to Ben-Haim et al. ("Ben-Haim") and further in view of U.S. Patent No. 5,907,395 to Schulz et al. ("Shulz"). Claims 2 and 17-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cosomon in view of Ben-Haim and Schulz and further in view of U.S. Patent No. 4,474,180 to Angulo ("Angulo"). Claims 15 and 16 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The

rejections and objections are respectfully traversed in light of the foregoing amendments and the following remarks.

**Allowable Subject Matter / Objections to Claims 15 and 16**

Applicant thanks the Examiner for indicating that claims 15 and 16 contain allowable subject matter. Claim 1 has been amended to incorporate the subject matter of former claim 15, including former intervening claim 10. This amendment also clarifies that the disposable support element is coupled to the wedge shaped member, which is coupled to the signal emitter. Thus, claim 1 now corresponds to former claim 15 rewritten in independent form as suggested by the Examiner. Support for the amendment is provided in original claims 10 and 15 and in the figures. Accordingly, Applicant respectfully submits that amended claim 1 is now in condition for allowance. Claim 16 is amended to depend from claim 1. Since claim 1 is in condition for allowance, Applicant respectfully requests withdrawal of the objection to claim 16.

**Response to Rejection of Claims 1 and 3-14**

Applicant respectfully traverses the rejections of claims 1 and 3-14 under 35 U.S.C. § 103(a) based upon the foregoing amendments and following remarks.

As previously stated, claim 1 is amended to present the subject matter of allowable claim 15 in independent form. Therefore, Applicant respectfully submits that claim 1 is allowable over the cited references for at least the reasons stated in the Examiner's statement of reasons for the indication of allowable subject matter. (Final Office Action, p. 9). Since claims 3-9 and 11-14 depend directly or indirectly from claim 1, Applicant respectfully submits that claims 3-9 and 11-14 are also allowable for depending from an allowable claim. Accordingly, Applicant respectfully requests withdrawal of the rejections of claims 1 and 3-9 and 11-14 under 35 U.S.C. § 103(a). The rejection of claim 10 is moot because it is cancelled.

**Response to Rejection of Claims 2 and 17-20**

Applicant respectfully traverses the rejections of claims 2 and 17-20 under 35 U.S.C. § 103(a) based upon the foregoing amendments and following remarks.

Since claims 2 and 17-20 depend directly or indirectly from amended claim 1, which is allowable claim 15 rewritten in independent form, Applicants submit that these

claims are also allowable over the cited references for at least the reasons stated in the Examiner's statement of reasons for the indication of allowable subject matter. Accordingly, Applicant respectfully requests withdrawal of the rejections of claims 2 and 17-20 under 35 U.S.C. § 103(a).

**Objection to Claim 16 for Informality**

Claim 16 was objected to for lacking antecedent basis for the phrase "said wedge shaped members." As discussed above, claim 16 is amended to depend from claim 1. Claim 1, as amended, recites that the plurality of markers each comprise "a wedge shaped member." Therefore, Applicant respectfully submits that there is now appropriate antecedent basis for the term said wedge shaped members" in amended claim 16. Accordingly, Applicant respectfully requests withdrawal of the objection to claim 16.

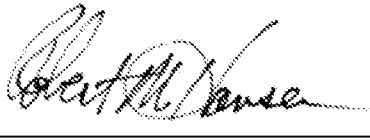
**CONCLUSION**

Applicant respectfully submits that claims 1-9, 11-14, and 16-20 are now in condition for allowance and requests that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the undersigned regarding any issue related to furtherance of the examination of this application.

Very truly yours,  
THE MARBURY LAW GROUP, PLLC

Dated: March 10, 2010

By



Robert Hansen  
Reg. No. 43,656  
Tel.: (703) 391-2900

The Marbury Law Group, PLLC  
11800 Sunrise Valley Dr., Suite 1000  
Reston, VA 20191